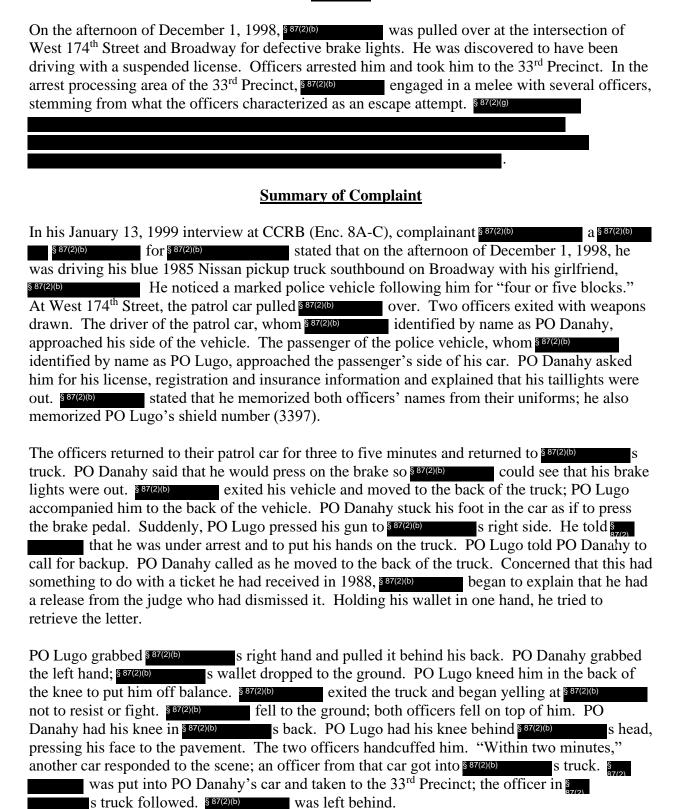
CCRB INVESTIGATIVE RECOMMENDATION

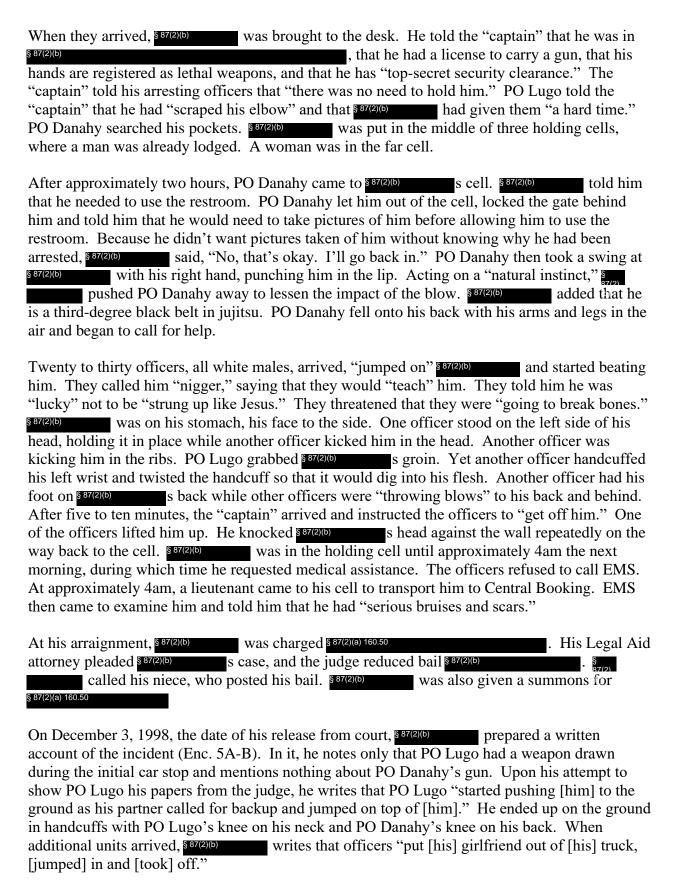
Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Triada Stampas		Team # 2	9805535	\square	Abuse	$\overline{\checkmark}$	O.L.	Injury
In aid and Data(a)		I andian of Insident		 		10	Ma COI	LEOSOI
Incident Date(s)		Location of Incident:	. 1741 0 1	1	Precinct:		Mo. SOL	EO SOL
Tuesday, 12/01/1998 4:00 PM		the intersection of Wes Broadway and at the 33 stationhouse			33		5/1/2000	6/1/2000
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Rece	eived at CC	RB
Sat, 12/12/1998 1:01 AM		IAB	Phone		Tue, 12/29	9/1998	8 8:25 PM	
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Kevin Danahy	09526	906061	033 PCT					
2. SGT Patrick Cortright	01827	910420	033 PCT					
3. SGT Rudolf Hoogenboom	03665	890204	033 PCT					
4. Officers			033 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POF Elizabeth Lugo	03397	919943	033 PCT					
2. LT Anthony Donato	00000	874231	33 PCT					
3. POM Edward Hannon	01146	887314	033 PCT					
4. POF Suzy Bohack	28476	915325	033 PCT					
Officer(s)	Allegatio	on			Inve	estiga	tor Recor	nmendation
A.POM Kevin Danahy		At the intersection of We ty in Manhattan, PO Kev 87(2)(b)		gun				
B.SGT Patrick Cortright		At the intersection of We by in Manhattan, Sgt. Pat 187(2)(b)		ed g	un			
C.SGT Patrick Cortright	Broadwa	t the intersection of Wes y in Manhattan, Sgt. Pat iinst [87(2)(b)		phys	sical			
D.POM Kevin Danahy	Broadwa	t the intersection of Wes y in Manhattan, PO Kev inst § 87(2)(b)		ysica	.1			
E.POM Kevin Danahy	stationho	the arrest processing ar buse in Manhattan, PO K iinst § 87(2)(b)			cal			
F.SGT Patrick Cortright	stationho	the arrest processing arbuse in Manhattan, Sgt. I force against § 87(2)(5)						

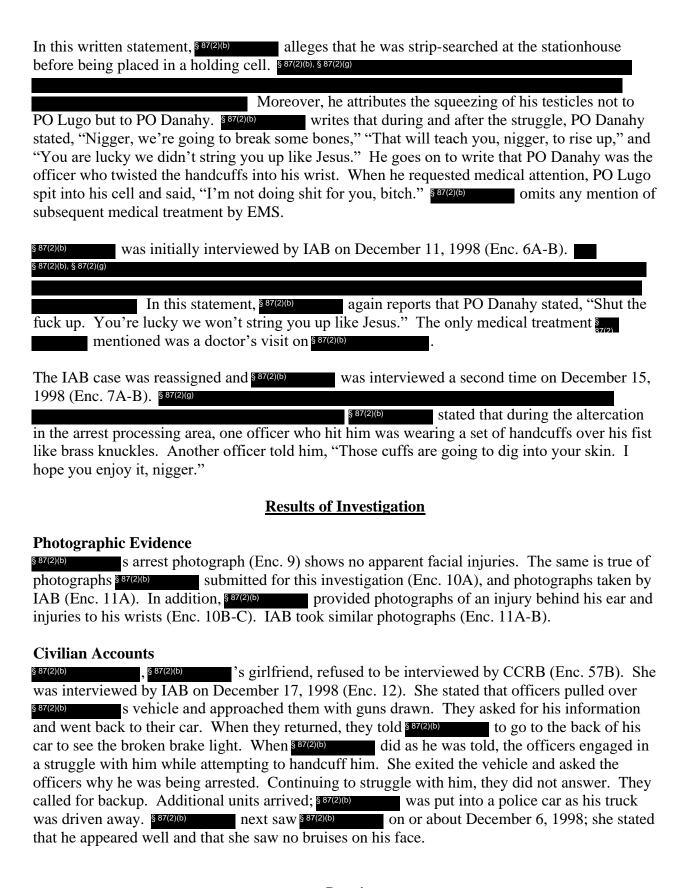
CCRB - Confidential CCRB Case # 9805535 Page 1

Officer(s)	Allegation	Investigator Recommendation
G.SGT Rudolf Hoogenboom	Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, Sgt. Rudolf Hoogenboom used physical force against §87(2)(b)	
H. Officers	Force: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers used physical force against §87(2)(b)	
I. Officers	Off. Language: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers made remarks to \$87(2)(5) based upon race.	
J. Officers	Abuse: In the arrest processing area of the 33rd Precinct stationhouse in Manhattan, officers threatened with the use of force.	

Synopsis

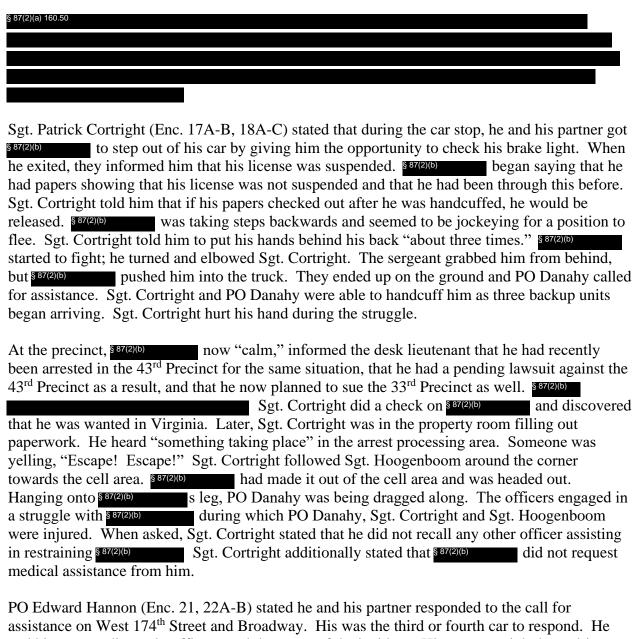






March 12, 1999 (Enc. 13). She stated that while in the cell, she overheard \$87(2)(b) himself, "I got to get out of here." She did not hear him say that he was going to try She saw \$87(2)(b) push the officer into the print machine, but did not observe the of the struggle because \$87(2)(b) ran out of her sight. She then hid in the rear of	repeat to to escape.
was the prisoner who shared a holding cell with spoke w	ell door, (2016) the officer a and The heard to the lifferent cell.
Police Accounts No officers were interviewed by CCRB. Det. Dennis Jones of IAB Group 11 conduparallel investigation, for which he interviewed seven officers. 887(2)(9)	cted a
§ 87(2)(b), § 87(2)(g)	
PO Kevin Danahy (Enc. 34A-B, 35A-C) stated to IAB that at approximately 4:10pm December 1, 1998, he stopped a pickup truck with defective brake lights on West 17 and Broadway. He asked the driver, \$87(2)(0) for his license and registration this information back to his car. PO Danahy conducted a license check through the dispatcher. \$87(2)(0) s New York State driving privileges were suspended. PO Sgt. Cortright approached the truck once more and told \$87(2)(0) that his brake defective. \$87(2)(0) went to the rear of the truck and PO Danahy stepped on the Sgt. Cortright then asked \$87(2)(0) to place his hands behind his back and grabb arm.	74 th Street a, and took central Danahy and lights were brake pedal.
s female passenger had exited the vehicle and was standing on the side threw his wallet to her and told her to hold onto it. PO Danahy moved to the truck. The officers told \$37(2)(b) that his license was suspended. \$37(2)(b)	AVIZI

flexing his muscles and tightening up." The officers tried to get \$\frac{87(2)(6)}{2}\$ s arms behind his back and were not able. \$\frac{87(2)(6)}{2}\$ grabbed both officers and threw them to the ground. They wrestled. Sgt. Cortright instructed PO Danahy, who sustained some scratches to his hands, to call for assistance. The officers handcuffed \$\frac{87(2)(6)}{2}\$ as additional units began to arrive. The female passenger was nowhere to be found.
At the precinct, PO Danahy brought \$87(2)(b) to the desk and explained the arrest to Lt. Donato, the desk officer. PO Danahy searched \$87(2)(b) and removed his property for vouchering. \$87(2)(b) seemed upset and stated that he had been arrested two weeks earlier for the same thing. He informed the officers that he had a pending lawsuit against the officers involved in his prior arrest and that he would now be suing them as well. PO Danahy placed \$87(2)(b) in a holding cell. After approximately an hour and a half, he removed \$87(2)(b) that he would have to take his picture. \$87(2)(b) stood against the wall. PO Danahy prepared to take the picture when \$87(2)(b) said he did not want his picture taken. PO Danahy told him that he would have to go back in the cell.
PO Danahy opened the cell door, whereupon punched him below the left eye. When asked, PO Danahy denied striking first. They "bear-hugged" each other while PO Danahy screamed for help. broke loose, threw PO Danahy across the room and kicked him in the head with his boot. PO Danahy's head started bleeding. He grabbed and squeezed PO Danahy's testicles. PO Danahy continued screaming for help. ran for the door. PO Danahy jumped up and grabbed onto his left shoulder. Six to eight officers including Sgt. Cortright, Sgt. Hoogenboom and PO Conrad Perry, came to assist PO Danahy in handcuffing street.
PO Danahy had a contusion and a bleeding cut to his head. His groin hurt as well. After was handcuffed, PO Danahy went to the muster room to sit down until he was taken to Sgt. Cortright and Sgt. Hoogenboom also sustained injuries as a result of the struggle. When asked, PO Danahy stated that he did not know who escorted struggle. When he returned from the hospital, he issued a summons and had no further dealings with him.
In his memobook (Enc. 32A-E), PO Danahy writes that \$87(2)(6) refused to have his picture taken and stated that he wanted to go back to his cell. The memobook entry does not mention grabbing PO Danahy's groin. \$87(2)(9)
In the OLBS worksheet he prepared (Enc. 38), PO Danahy charged §87(2)(b) §87(2)(a) 160.50
PO Danahy was also deposed for the criminal court complaint against \$87(2)(b) (Enc. 33A-C). \$87(2)(a) 160.50



PO Edward Hannon (Enc. 21, 22A-B) stated he and his partner responded to the call for assistance on West 174th Street and Broadway. His was the third or fourth car to respond. He and his partner directed traffic around the scene of the incident. His partner might have driven the perpetrator's vehicle back to the stationhouse. At the scene, neither the officers nor the prisoner appeared injured, according to PO Hannon. He did not see the prisoner again. PO Hannon picked his partner up from the stationhouse and resumed patrol.

PO Tim Stanley, not interviewed by IAB, was PO Hannon's partner. His memobook (Enc. 36A-B) indicates that he transported the prisoner's vehicle at 4:20pm and resumed patrol five minutes later.

Sgt. Rudolf Hoogenboom (Enc. 19, 20A-B) stated that he was performing administrative duties at the desk when he heard "a sudden yelling and screaming coming from the cell area." Lt. Donato, assigned to the desk, was inspecting the stationhouse at the time. Somebody screamed,

the cell area door opened. \$\frac{87(2)(0)}{2}\$ was frantically trying to exit. PO Danahy was holding onto his leg. \$\frac{87(2)(0)}{2}\$ tried to run by Sgt. Hoogenboom, who "threw him a shoulder block and pinned him against the wall." Several officers helped subdue \$\frac{87(2)(0)}{2}\$ take him to the floor and handcuff him. Sgt. Hoogenboom believes PO Danahy returned him to his cell.
Sgt. Hoogenboom stated that EMS was called to the stationhouse for PO Danahy and Sgt. Cortright. He himself went to \$87(2)(9) ten minutes after the incident ended because he strained a muscle in his lower back. Asked how he sustained the injury, he explained, "When I pinned the prisoner up against the wall, he was pushing towards me. I guess I strained my back as he was pushing me back." Sgt. Hoogenboom added that for "several seconds" as he had \$87(2)(0) up against the wall, he was the only officer attempting to subdue him. He could not recall whether \$87(2)(0) requested medical attention, and did not recall him as having visible injuries.
PO Suzy Bohack (Enc. 26-29) was \$87(2)(6) s and \$87(2)(6) s arresting officer. She stated that she was behind the desk when she heard a commotion in the cell area and PO Danahy yelling for help. She heard a thud against the wall. Officers in front of the desk handed her two guns and ran to assist. She could not recall who these officers were; it was "a blur." Although she had prisoners in the cell area herself, she did not run to assist because she "didn't want to leave guns unsecured." PO Bohack looked at the monitor surveying the cell area but could not see what was going on. She surmised that whatever was occurring was outside the view of the camera. She was not within direct view of the cell area and could not see the door of the cell area. PO Bohack assumed that the officers "got the prisoner under control."
After the incident, she went to the cell area to check on \$87(2)(b) . \$87(2)(b) was "shaken up" and said she "knew it was going to happen" because \$87(2)(b) had been repeating that he was "going to cause trouble." PO Bohack saw \$87(2)(b) sitting on the bench in his cell. He appeared "fine" and did not complain to her of any injuries.
Det. Jones spoke with Sgt. Richard Fernandez, the assistant ICO of the 33 rd Precinct (Enc. 15). Sgt. Fernandez stated that he took part in the apprehension of \$87(2)(b) in the hallway outside of the cells. According to Sgt. Fernandez, \$87(2)(b) was not hurt and did not need medical attention. Det. Jones did not interview Sgt. Fernandez.
Lt. Anthony Donato (Enc. 30, 31A-B) stated that he was at the desk when Sgt. Cortright and PO Danahy brought statements when he was brought before the desk were: "I just want you to know I'm suing the last two cops that arrested me."

some kind of struggle Captain and interview "really" was Officers were injured into the stationhouse "certainly didn't look Unit to secure him if	ken place" because officers were breathing heavily as if they had been "in a." Sgt. Cortright explained what had happened. They notified the Duty wed some of the prisoners in the cells. Because he was unsure of who st. Lt. Donato authorized a search of his vehicle. They found a tool set. as a result of the struggle, and Lt. Donato was "pretty sure" that EMS cam to treat them. Solution did not complaint to him of injuries and injured." Lt. Donato instructed officers to call the Emergency Services he began to act up again. He also went back to the cell area and warned a would happen if he continued to be unruly.
§ 87(2)(b)	on according to the records (Enc. 37A-F), this visit was a follow-up doctor who had been monitoring injuries \$87(2)(b) incurred in a motor [8] (2)(b) incurred in a motor [8] (2)(b) incurred in a motor [8] (3) (4) (5) (6) (6) (7) (7) (7) (7) (7) (8) (7) (7) (7) (7) (7) (7) (7) (7) (7) (7
the problems he was l	having with his back and left knee were "improving" (Enc. 37A).
IAB Investigation Det. Jones conducted	IAB's investigation of this incident. §87(2)(9)
	. Conclusions and Recommendations
§ 87(2)(b), § 87(2)(g)	. <u>Conclusions and Recommendations</u>
§ 87(2)(b), § 87(2)(g)	Conclusions and Recommendations
name and shield num	Conclusions and Recommendations He informed me that he learned PO Lugo's ber from the uniform of PO Danahy's partner. His partner was Sgt. to is a female officer. §87(2)(5).§87(2)(5)
name and shield num Cortright and PO Lug In or	He informed me that he learned PO Lugo's ber from the uniform of PO Danahy's partner. His partner was Sgt. go is a female officer. S87(2)(0). § 87(2)(0) ne of § 87(2)(0) s accounts of the incident, officers removed his ack. In others, she exited herself and witnessed the altercation between him

) who squeezed his testicles. In an interview with IAB, an
officer wore handcuffs over his fist lik	ke brass knuckles.
87(2)(b), § 87(2)(g)	
hrew him across the room, kicked him of lee. \$87(2)(9) PO Danahy was absoluted that PO Danahy was being eg. Sgt. Hoogenboom went on to say officers arrived. Sgt. Cortright, \$87(2)(9) Hoogenboom from the start. No other even though Sgt. Fernandez admitted to	r officers involved in this altercation were interviewed—to having participated and PO Danahy named an Officer
	In the meantime, PO Bohack, with two prisoners of her the desk with two unknown officers' guns in her hands.
87(2)(b), § 87(2)(g)	
vestigator:	Date:
pervisor:	Date:
eviewed by:	Date:
eviewed by:	Date: